

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SUSAN H. CHADD, as Personal
Representative of the ESTATE
of ROBERT M. BOARDMAN,
deceased, and for herself, and
JACOB A. HAVERFIELD,

Plaintiffs,

vs.

UNITED STATES OF AMERICA,

Defendant.

No.

COMPLAINT FOR DAMAGES

I. PARTIES

The plaintiff, Susan Chadd, is the widow of Robert Boardman and the personal representative of his estate. She is also a claimant for her own damages. Jacob Haverfield is the stepson of Robert Boardman who is making claims for damages as a result of the death of his stepfather.

The United States of America is the defendant, which owns and operates the Olympic National Park in the State of

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1 Washington through the Department of the Interior's National
2 Park Service.

3 II. JURISDICTION

4 Jurisdiction of this Court is based on the Federal Tort
5 Claims Act, 28 USC 1346(b) and 2671 et seq.

6 III. PROCEDURAL HISTORY

7 Administrative claims for the named plaintiffs were
8 properly served on the appropriate federal agencies on or about
9 May 5, 2011. As of October 26, 2011, all the claims had been
10 rejected by the office of the United States Attorney. Therefore
11 plaintiffs are entitled to file suit in this Court.

12 IV. CLAIMS

13 All claims are being made pursuant to the substantive law
14 of the State of Washington. These include economic losses to
15 the estate of Robert Boardman, who died on October 16, 2010, and
16 damages for the conscious pain and suffering before death of
17 Robert Boardman. Susan Chadd's claims include the loss of the
18 consortium of her husband, Robert Boardman, and damages for the
19 negligent infliction of mental distress resulting from her
20 witnessing the circumstances surrounding the death of Robert
21 Boardman. Jacob Haverfield claims damages for the loss of the
22 consortium of his stepfather, Robert Boardman.

V. FACTS GIVING RISE TO CLAIMS

The United States Congress established the Olympic National Park in the state of Washington on June 29, 1938. Since that time it has been under the jurisdiction of the National Park Service of the Department of the Interior. Prior to that time about 12 of the non-native species of Mountain Goat were introduced into the park area to develop a herd for hunting. Despite their common name, they are not actually true goats. They are even-toed ungulates similar to antelopes and cattle. They stay at high elevations, often resting on rocky cliffs that predators cannot reach.



This is a photo of a typical mountain goat.

1 By 1983, the herd had grown to over 1,000. As a non-
2 native species, the goats were not entitled to the same
3 protection as native species. Thus, the National Park Service
4 could remove or destroy them for lesser cause than native
5 species.

6 In the 1990's the Park Service drafted a plan to remove the
7 mountain goats as they were damaging the eco-structure. The
8 Park Service removed several hundred by helicopter transport to
9 native areas. Eventually that was considered too dangerous and
10 the Park Service made the decision to shoot the remaining 200 to
11 300 goats and rid the park of them. Due to lobbying efforts by
12 an animal rights group and political intervention, the Park
13 Service spared the remaining goats.

14 Most of the goats who remained were docile, not habituated
15 with or dangerous to humans. There were exceptions. One such
16 goat was a large male, sometimes known as "Klahhane Billy." He
17 was often found on a hiking trail known as the Switchback Trail
18 near Klahhane Ridge in the Olympic National Park.

19 Klahhane Billy was a monstrous goat, weighing about thirty
20 percent more than the average male. At his autopsy he weighed
21 in at 370 pounds. In addition to his formidable size, Klahhane
22 Billy was habituated to humans, did not show fear of humans and
23 exhibited aggressive behavior toward humans on numerous
24 occasions in the approximately four years prior to October 16,

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1 2010. Many such incidents were reported by and to employees of
2 the park.

3 The Park Service destroyed some animals which exhibited
4 much less aggression than Klahhane Billy, including native
5 species, for which there had to be much more cause to justify
6 destruction. In its treatment of Klahhane Billy, the Park
7 Service violated its own policies and procedures regarding
8 management of dangerous animals and protection of the public.

9 On October 16, 2010, the inevitable happened. On that day,
10 the plaintiff, Susan Chadd, her deceased husband, Robert
11 Boardman, and a friend, were hiking on the popular and well
12 traveled Switchback Trail in the Olympic National Park. That
13 trail climbs switchbacks to a popular ridgetop and then follows
14 the ridgetop for more than a mile. As they stopped for lunch
15 near the end of this ridgetop section, Klahhane Billy showed up,
16 immediately came within a few feet from their party and began
17 harassing them and making threat displays. Members of the group
18 decided it was best to head back down the trail, all sensing
19 great terror that the goat might attack. They walked single file
20 back along the very narrow trail along the ridge with Boardman
21 in the rear. They had walked for about an hour, all the time
22 being pursued and harassed by Klahhane Billy, who walked
23 directly beside or behind behind Boardman. They hoped the goat
24 would back off once they reached the well traveled trail

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1 junction at the top of the switchbacks. He did not. Susan Chadd
2 and the friend went on ahead and suddenly heard a scream. They
3 rushed back to where Boardman and the goat were and saw Boardman
4 lying on the ground and the goat standing over him. Apparently,
5 Klahhane Billy had lowered his head, charged Robert Boardman and
6 gored him through one thigh. The goat then remained over Robert
7 Boardman and refused to move, preventing anyone from rendering
8 aid, even after several bystanders and an off-duty National Park
9 staffer appeared on the scene. They were only able to get
10 Klahhane Billy to back off after the off-duty park staffer got
11 advice on his radio to wave a space blanket at the goat. By the
12 time anyone was able to get to Boardman, he had been lying still
13 for more than 30 minutes, and the rescuers' attempts to
14 resuscitate him met with no success.

15 The attack was promptly reported via cell phone to the Park
16 Service, which responded very slowly, given the gravity of the
17 situation. Finally, more than an hour after the attack, a Coast
18 Guard helicopter lowered an emergency medical technician who
19 tried to revive Boardman, also unsuccessfully.

20 Klahhane Billy's horn severed arteries in Boardman's leg
21 causing him to bleed to death. Sometime later, two park rangers
22 appeared and began a search for the goat. They found him within
23 minutes. The goat had blood on his horn. The rangers shot him
24 to death.

1 Many of these events were witnessed by plaintiff, Susan
2 Chadd.

3 VI. STATEMENT OF NEGLIGENT ACTS

4 Employees of the Park Service failed to act upon numerous
5 complaints from park visitors and employees of the Park Service,
6 over a multi-year period, regarding Klahhane Billy's aggressive
7 nature.

8 Employees of the Park Service failed to follow the
9 Service's own policies and procedures with respect to control of
10 dangerous animals, such as Klahhane Billy, who was a recognized
11 threat to human safety. These policies include but are not
12 limited to the Nuisance and Hazardous Animal Plan authored by
13 then Ranger Rich Olson.

14 Employees of the Park Service failed to relocate or
15 euthanize Klahhane Billy, even though he had become a clear
16 threat to the public and was a member of an unprotected non-
17 native species.

18 Employees of the Park Service failed to act with dispatch
19 and summon a Coast Guard helicopter to the rugged area where
20 Robert Boardman was mortally wounded.

21 VII. STATEMENT OF DAMAGES

22 Plaintiff Susan Chadd, as personal representative of the
23 Estate of Robert Boardman, makes claims for economic losses to
24 the estate of Robert Boardman, including medical and funeral
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expenses and the loss of the net accumulations of the estate, and non-economic damages for conscious pain, suffering, emotional distress and fear experienced by him prior to his death as a result of the actions of Klahhane Billy.

Plaintiff Susan Chadd, for herself, claims damages for the negligent infliction of emotional distress caused by her witnessing the circumstances of the fatal attack on Robert Boardman by Klahhane Billy and the slow response of the park service, and for the loss of the consortium of her husband, Robert Boardman. Jacob Haverfield claims damages for the loss of the love, care, support, companionship and guidance of his stepfather, Robert Boardman.


VIII. PRAYER FOR RELIEF

Plaintiffs ask the Court to enter judgment against the defendant as will justly compensate them for their losses stated herein.

DATED this 1st day of November, 2011.

MESSINA BULZOMI CHRISTENSEN

By



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